

Notice of Allowability

Application No.

09/779,149

Examiner

MY-CHAU T TRAN

Applicant(s)

HAJDUK ET AL.

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/15/04.
2. ☒ The allowed claim(s) is/are 49-51,53-55,59 and 60.
3. ☒ The drawings filed on 27 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 12/15/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/14/05
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


U.S. PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20503

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James H. Ackley on 3/14/2005.

The application has been amended as follows:

- a. Please **cancel** Claims 61 and 62.
 - b. Claim 60, line 5, "force" has been deleted.
 - c. Claim 60, line 6, after ',' the phrase "**wherein the sensor is responsive to tensile, compressive loads, or shear, and**" has been added.
2. The following is an examiner's statement of reasons for allowance:
- The instant claims (Claims 49-51, 53-55, and 59) are allowed for the reason that the cited prior arts does not teach or fairly suggest the presently claimed combination of method step limitation and structural limitations of the apparatus used in the instant claimed method of screening a combinatorial library of materials for at least one physical property. The method step limitation is the step of mechanically perturbing an array of a plurality of materials on a common substrate by applying a strain of a shear. The structural limitations of the apparatus used in the instant claimed method of screening a combinatorial library of materials for at least one physical property are that the probe is located between the sensor and the material.

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The instant claim 60 is allowed for the reason that the cited prior arts does not teach or fairly suggest the presently claimed combination of method step limitation and structural limitations of the apparatus used in the instant claimed method of screening a combinatorial library of materials for at least one physical property. The method step limitation is monitoring with a sensor that is responsive to tensile. The structural limitations of the apparatus used in the instant claimed method of screening a combinatorial library of materials for at least one physical property are that the probe is located between the sensor and the material.

Additionally, the examiner have cited two Japanese patents (JP-3-122544 and JP-4-366744), which are made of record (cited in PTO-892) and are not relied upon, are considered pertinent to applicant's disclosure. The Japanese patents (JP-3-122544 and JP-4-366744) are related to the applicant cited prior art of record in PTO-1449 dated 12/15/2004.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 571-272-0810. The examiner can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mct

March 14, 2005